



## Request for City Council Committee Action from the Department of Community Planning & Economic Development

Date: May 15, 2014

To: Council Member Lisa Bender, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning & Planning Committee

**Subject:** Vacation of multiple drainage and utility easements, Declaration of Easement, and Utility Easement Relocation and Construction Agreement for the property located at 2225-2313 West River Road North and 70 North 22<sup>nd</sup> Avenue.

**Recommendation:**

A. The following action was taken by the City Planning Commission on July 15, 2013 (Vac-1615):

**Vacation:** Application by Leonard, Street and Deinard, on behalf of Upper Midwest Organ Procurement Organization, for a vacation of multiple drainage and utility easements for the property located at 2225-2313 W River Rd N and 70 N 2nd Ave.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the application for the vacation of multiple drainage and utility easements for the property located at 2225-2313 West River Road N and 70 N 22<sup>nd</sup> Ave, subject to the following conditions:

1. An easement shall be reserved for Xcel, CenterPoint Energy, and Comcast.
2. A new easement for City utilities shall be provided.

**Aye:** Brown, Cohen, Kronzer, Luepke-Pier and Slack

**Nay:** Wielinski

**Absent:** Gagnon and Schiff

**Recused:** Huynh

B. Authorize the appropriate City officials and staff to execute the final Utility Easement Relocation and Construction Agreement.

C. Authorize the appropriate City officials and staff to execute and record the Declaration of Drainage and Utility Easements.

**Ward:** 5

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**Financial Impact**

- No financial impact

**Community Impact**

- Neighborhood Notification: The Hawthorne Neighborhood Council was notified of the vacation application.
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60/120-day decision period: Not applicable.

**Supporting Information**

The applicant, the Upper Midwest Organ Procurement Organization, is constructing a 2-story, approximately 42,000 square foot building for offices and a medical laboratory located at the property of 2225-2313 West River Road North and 70 North 22<sup>nd</sup> Avenue. In July of 2013, the City Planning Commission approved a conditional use permit and site plan review for the proposed development and recommended approval of a vacation of multiple drainage and utility easements that run through the subject site, including in the area of the proposed building footprint.

The City utilities include a public water main and sanitary sewer. The easement also accommodated space for a yet-to-be-installed storm drain. The applicant has been working with the Public Works Department to locate the public facilities elsewhere, generally running along the west and north sides of the subject site. As of the writing of this report, the work to relocate the public utilities is nearly complete. Because the City owns the property and will own it for at least the next 25 years, it was decided that a declaration versus a new easement is the proper instrument to establish an easement in the City's favor on property it owns. In conjunction with the declaration, a Utility Easement Relocation and Construction Agreement is needed for the work that needs to be done.

Easements were requested by Comcast, CenterPoint Energy and Xcel for facilities that were located in the easement area. Since the Planning Commission meeting in July of 2013, those facilities have been relocated. Therefore easements in the area to be vacated are no longer needed.

This report recommends that the vacation of multiple drainage and utility easements be approved, subject to a new easement for City utilities being provided, and that appropriate staff be authorized to execute said utility easement declaration and relocation agreements.